

HUMAN RESOURCES POLICY

Fauquier County, Virginia

Policy Title: Workers' Compensation
Section No.: ~~4-A~~36
09/04/90

Effective Date: ~~DRAFT~~05/17/04
Supersedes Policy:

I. PURPOSE:

It is the objective of the Board of Supervisors that all County employees receive benefits provided by the Virginia Workers' Compensation Act upon suffering a work-related injury or illness (occupational disease).

~~The purpose of this policy is to define procedures relative to reporting of job-related injuries and illnesses to explain the management of Workers' Compensation.~~

II. SCOPE:

~~In the event an employee sustains an injury or suspects he/she has contracted a job related illness, the employee shall report it immediately to his/her supervisor/principal, regardless of how minor it may appear. This will enable the County/School to secure proper medical treatment for the injured employee and minimize the severity of the problem.~~

This policy applies to all employees.

III. DEFINITIONS

A. Injury

An injury is defined as an accident arising out of and in the course of employment.

B Occupational Disease

An occupational disease is defined as a disease arising out of and in the course of employment, but, unless otherwise provided by the Virginia Workers' Compensation Act, not an ordinary disease of life to which the general public is exposed outside of employment.

C. Workers' Compensation

Workers' Compensation is defined as a type of leave from employment which results from an employee's incapacity to work, and which has been determined to have resulted from an injury or occupational disease such that the employee is entitled to benefits required by the Virginia Workers' Compensation Act.

~~Title 65.1 of the Code of Virginia requires the County/School to provide Workers' Compensation coverage for employees who sustain job-related injuries by accident or who develop illnesses caused by their employment. Contact the Personnel Department for specific insurance carrier information.~~

IV. ELIGIBILITY:

~~All permanent and temporary, full-time, part-time and seasonal employees on the County/School payroll are eligible to receive Workers' Compensation benefits should they suffer a job-related injury/illness.~~

PROCEDURES/POLICY:

A. Responsibilities/RESPONSIBILITIES:

1. Employees

Employee responsibilities are as follows:

- a. Report any job related injury or illness to the supervisor immediately and complete the required forms.
- b. If medical treatment is needed, select a physician from the County approved list of designated physicians. In the event of an emergency requiring immediate medical treatment employees should obtain treatment at the nearest medical facility.
- c. Notify the physician selected that all reports and bills are to be sent to the attention of the Human Resources Department.
- d. Cooperate with the insurance carrier's claims adjuster during the investigation of the claim.
- e. Cooperate with the insurance carrier's claims adjuster during the continued handling of the claim, including supplying additional information as necessary and keeping appointments for scheduled medical evaluations.
- f. Keep the department supervisor advised of disability status while out on injury leave.
- g. Cooperate with the Patient Advocate and return to work efforts.

2. Departments

Department responsibilities are as follows:

- a. Ensure all employees within the department are aware of procedures, changes, and regulations regarding Workers' Compensation.
- b. Submit required and completed forms to the Human Resources Department.
- c. Forward all medical bills or other correspondence received from an employee, physician, or medical care facility to the Human Resources Department.
- d. Notify the Human Resources Department immediately when an employee is able to return to work either in a light duty or full duty capacity.
- e. Upon receipt of the completed Quick-Fax Report (Section D) by the Human Resources Department, notify the employee of the date, time, and capacity (regular or light duty) of return to work.
- f. Cooperate with the insurance carrier during investigation of claims and assist in back-to-work, light duty and vocational rehabilitation programs.

3. Human Resources ~~A. Department of Personnel~~

~~The responsibilities of the Human Resources Department responsibilities are of Personnel shall be~~ as follows:

- 1a. ~~Develop and~~ & manage the County Workers' Compensation Claims program.

- b2. Maintain records of all Workers' Compensation claims sent
_____ to the claims service company.
- c3. Monitor the progress of all Workers' Compensation claims
_____ handled by specific insurance companies; and, where
_____ necessary, provide status reports to County departments, /Schools.
- d4. Assist County departments /Schools with Workers' Compensation
claims
_____ processing and coordination on gn of the -employee's timely
_____ return to light, restrictive, or regular duty.
- e5. Answer questions and respond to inquiries regarding
_____ Workers' Compensation claims.
- f6. Review and approve for payment all bills related to medical
_____ or disability claims.
- g7. Coordinate the defense of contested claims with the
_____ specific insurance carriers.

B. Departments/Schools

_____ The responsibilities of each Department shall be as follows:

1. ~~Ensure all employees within the department/school are aware of any and all procedures, changes, and regulations regarding Workers' Compensation.~~

2. ~~Submit the required & completed forms to the Department of Personnel. The forms are attached and as follows:~~

- ~~The Quick-Fax is due within 24 hours of an accident to the Department of Personnel.~~
_____ ~~Section A: Employee's Supervisor completes this section.~~
_____ ~~Section B: Employee's Signature~~
_____ ~~Section C: After Medical Care has been provided, this section is to be completed by the treating physician. Employee then returns the completed form to the Supervisor/Principal and the Supervisor/Principal returns it to the Department of Personnel immediately.~~

- ~~The Employer's First Report of Accident Form must be sent to the Department of Personnel within 72 hours of the accident. This form cannot be copied or substituted for any other form.~~

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- The **Supervisor's Investigation Report** should be completed after the employee has been injured. The Supervisor's Investigation Report is designed to aid in the accident investigation process and to assist loss control in preventing similar accidents in the future. Please review this with your employee and, along with your First Report of Accident, submit to the Department of Personnel.

- The **Physical Capabilities Form** should be completed by the physician if medical attention is required.
 - The **Supplementary Report** should be completed on the first day the employee returns to work or has a change in his/her employment with the County/School. It is important that this form be filled out immediately upon return to work and submitted to the Department of Personnel.
 - The **Physicians' Panel of Consent Form** should be signed by the employee after he/she is shown the listing of the Panel of Physicians.
3. Forward all medical bills or other correspondence received from an employee, physician, or medical care facility to the Department of Personnel.
 4. Notify the Department of Personnel immediately when an employee is able to return to work either in a light duty or full duty capacity.
 5. Upon receipt of the completed Quick Fax Report, Section C (the medical provider's portion) by the Department of Personnel, the Supervisor/Principal may notify employee of date and time to return to work and in what capacity (regular or light duty).
 6. When the employee returns to work, submit the completed Supplementary Report from to the Department of Personnel.
 7. Cooperate with the individual insurance carriers during investigation of claims, and assist in back to work, light duty and vocational rehabilitation programs.

C. Supervisors

1. For minor injuries:
 - a. Provide first aid
 - b. Complete Section A of Quick Fax
 - c. Have employee read and sign Section B
 - d. Forward completed Quick Fax to the Department of Personnel.
2. For moderate and severe injuries:
 - a. Provide first aid
 - b. Secure the accident scene
 - c. Call ahead to medical provider
 - d. Accompany employee to medical provider
 - e. Complete Section A of Quick Fax

~~— f. — Have employee read and sign Section B~~

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~~— g. — Accompany employee home, if he/she cannot return to work due to the injury, apply restrictions if appropriate~~

~~3. Complete the First Report of Accident form and submit to the Department Head/Principal for review.~~

~~4. Maintain contact with injured employee during his/her disability. This will provide supervisors/principal with information regarding the employee's progress and will also serve to reassure the employee that they are valued employees.~~

~~5. Notify Department Head/Principal when an injured employee returns to work by completing the Supplementary Report form.~~

~~6. Cooperate with the individual insurance carriers claims adjuster during investigation of all claims and in implementing back to work or light duty programs.~~

~~7. Notify Department Head/Principal immediately of any accidents resulting in catastrophic injuries or death.~~

~~D. Employees:~~

~~— The responsibilities of each Employee shall be as follows:~~

~~1. Report any job related injury or illness to the supervisor immediately and complete the required forms.~~

~~2. Read and sign Section B on the Quick Fax form and return it to the supervisor immediately. Forms can be obtained from the Department of Personnel.~~

~~3. If medical treatment is needed, select a physician from the County/School approved list of designated physicians. In the event of an emergency, requiring immediate medical treatment, employees should obtain treatment at the nearest medical facility. Any continuing medical treatment should be obtained from the Fauquier County/Schools approved panel of~~

~~physicians. Failure to secure treatment from an authorized physician could result in a denial of benefits.~~

- ~~4. Notify the physician selected that all reports and bills are to be sent to the attention of the Department of Personnel.~~
- ~~5. Cooperate with the claims adjuster from the individual insurance carriers during their investigation of the claim. Initial investigation may include giving a recorded or written statement concerning the incident. Failure to cooperate could cause a delay in determination of compensability and payment of medical bills.~~

- ~~6. Cooperate with the individual insurance carriers claims adjuster during their continued handling of the claim, including supplying additional information as necessary and keeping appointments for scheduled medical evaluations.~~
- ~~7. Keep department supervisor/principal advised of disability status while out on injury leave.~~
- ~~8. Cooperate with the Patient Advocate and return to work efforts.~~

~~B. H. County Designated Physicians~~COUNTY DESIGNATED PHYSICIANS

1. Section 65.1-88 of the Virginia Workers' Compensation Act requires that injured employees chose a physician from a panel selected by the employer.
2. ~~E~~The employer se-authorized physicians and medical treatment facilities must be used at all times by employees receiving treatment for job-related injury/illness.
3. Exception to employer authorized physicians and medical treatment facilities ~~these~~ may be made in the case of an emergency requiring immediate medical treatment that occurs outside of normal working hours.
4. Failure to secure treatment from an authorized physician could result in a denial of benefits.

5. Any change in treating physician requires approval of the individual insurance carriers prior to treatment.

~~C. III. Second Opinions and Changes of~~
~~Physicians~~

1. E
Employees receiving medical treatment for a compensable injury or illness may request a second medical opinions or a change in treating physician by contacting the individual insurance carriers and requesting prior approval.

2. If an employee obtains a second medical opinion or seeks treatment from a physician not on the County's ~~School's~~ Panel without prior approval of the individual insurance carriers, the employee will be responsible for the cost of such treatment.

~~D. IV. USE OF INJURY/ILLNESS IN LINE OF DUTY LEAVE~~
~~Benefits (County)~~

1. In accordance with Section 65.2-509 of the Code of Virginia, 1950, as amended, no compensation shall be allowed for the first seven (7) calendar days (including Saturday, Sunday and holidays) of incapacity resulting from a job related injury or illness.
2. During this seven (7) day period, the employee may use accrued annual, sick, or compensatory leave. If the employee does not have sufficient annual, sick or compensatory leave balances, the employee may request leave through the Leave Donation Program. If the employee has no leave balance and receives no leave through the Leave Donation Program, the employee will be placed in a leave without pay status for the seven (7) day period.
3. If the incapacity extends beyond the initial seven (7) day period, Workers' Compensation benefits (compensation) shall commence with the eighth (8th) day of disability. If such incapacity continues for a period of more than twenty-one (21) consecutive calendar days, not including the day of injury, compensation shall be allowed from the first day of such incapacity.

4. Workers' Compensation benefits are provided at the rate of two-thirds (2/3) of the average weekly, pre-tax wage of the employee, subject to weekly maximums as approved by the Virginia Workers' Compensation Commission. This amount is not subject to payroll taxes.

5. Any employee who receives a workers compensation award for temporary total disability due to a work related illness or injury shall be paid in accordance with the award. The workers compensation act provides for payment of 66 2/3 of an employee's average weekly wage during periods of total disability. Employees may supplement the workers' compensation benefit by one-third (1/3) using accrued with sufficient annual, or sick or compensatory leave. leave may supplement thIf the employee does not have sufficient annual, sick or compensatory leave to supplement the workers' compensation benefit, the employee may request leave through the Leave Donation Program.

6. payment in accordance with the terms of this policy. In accordance with Section 65.2-509 of the Code of Virginia, 1950, as amended, no compensation shall be allowed for the first seven (7) calendar days of incapacity resulting from an injury/illness, but if incapacity extends beyond that period compensation shall commence with the eighth day of disability. If, however, such incapacity shall continue for a period of more than twenty one (21) consecutive calendar days, not including the day of injury, then compensation shall be allowed from the first day of such incapacity. Overpayments resulting from wages paid for part or all of a pay period shall be recouped by the Payroll Department by:

- a. adjusting leave balances;
- b. adjusting future leave payments;
- c. adjusting future pay; or
- d. billing for repayment, whichever is appropriate.

The length of incapacity shall not exceed 365 accumulative work days from the date of the initial illness or injury. A working day is defined as the employee's normal length of day not to include overtime.

~~During those periods when workers' compensation is not provided, pay, if any, must be charged to the employee's accrued sick leave. Employees are advised to maintain a sufficient sick leave balance to avoid leave without pay during the seven (7) calendar day waiting period. An employee who has maintained a sufficient leave balance may have the option of keeping the check from the insurance carrier and being charged 1/3 of his/her sick leave for each day of incapacity, or remitting the check to the County and have 66 2/3 percent of sick leave restored (supplement the 66 2/3 compensation from the insurance carrier). By using 1/3 day of sick leave for each day of incapacity, the employee may receive payments up to his/her annual average salary. Compensatory, then annual leave, may be used if an employee's sick leave is exhausted.~~

E. Return to Work

1. An injured employee must return to work as soon as he/she is released for regular, restrictive, or light duty by the treating physician.
2. A Functional Capacities Form must be completed by the treating physician and submitted to the Human Resources Department prior to the employee returning to regular, restrictive or light duty.
3. If the return to work is restrictive or light duty, then the Human Resources Department shall submit to the attending physician a copy of the proposed light duty job description for approval.
4. The employee shall not be permitted to perform light duty unless approved by the attending physician.
5. Employees on light duty assignment may return to their regular duties upon receipt of a Functional Capacities Form signed by the employee's attending physician attesting to the employee's physical and mental fitness to resume regular duties.

F. Light Duty Assignment

1. Whenever an injured or ill employee is temporarily unable to return to his/her regular duty, but is considered medically fit to perform less

strenuous tasks, efforts shall be made by the Human Resources Department in consultation with the employee's department head or designee to find a light duty assignment for that employee.

2. Such an assignment may not necessarily be in the employee's regular department.

3. Fitness for light duty assignment shall be coordinated with the treating physician and shall be such that accommodates identified restrictions.

4. During the period of light duty assignment, no employee shall be permitted to work more than their normal working hours.

5. A light duty assignment shall not be made in any case where there is no possibility of full recovery. Proper medical certification shall be utilized in arriving at this decision.

G. If the employee desires to use accrued hours, the supervisor will generate a release form (sample attached) indicating the desire of the employee as permitted within policy guidelines. The completed release form must be forwarded to the Department of Personnel, within three (3) days. The hours indicated will be added to the employee's next payroll check. If the employee is absent beyond twenty one (21) calendar days, the supervisor must inquire of them their desire to use accrued hours. After the twenty first (21) calendar day of absence, the supervisor may input into the employee's work schedule (if applicable) the three (3) hours of leave use each day. This should continue until the employee has utilized all accruals, returned to work or is no longer an active employee.Family and Medical Leave Act (FMLA)

1. Injuries or illnesses approved by workers' compensation generally meet the eligibility for FMLA.

2. An absence due to workers' compensation will be charged to the employee's annual 12-week entitlement to FMLA benefits, providing the employee meets the definition of eligibility as listed in the current version of Regulation 4835, Family Medical Leave.

H. One-Year Limitation

1. Employees who have not returned to work within one calendar year after a compensable work-related illness or injury shall be placed on leave without pay status or terminated.

2. Employees may apply for disability retirement if they meet the eligibility requirements established by the Virginia Retirement System.

IV. USE OF INJURY/ILLNESS IN LINE OF DUTY LEAVE (School's)

When an employee is absent from work as a result of personal injury or assault arising out of, and in the course of, his/her employment, no part of such absence will be charged to his/her sick, annual, or personal leave. He/she will be paid full salary for the period of eligibility of payment under Workers' Compensation Act (WCA) up to 26 weeks; on condition that insurance benefit checks received from WCA insurance by employee for the loss shall be submitted forthwith to the School Board.

V. LIGHT DUTY ASSIGNMENT

A. Any employee who becomes unable to perform his regular duty as a result of a job-related injury/illness shall be placed on Workers' Compensation immediately. Such an employee shall remain off the job until he/she is declared medically fit to return to his/her regular duty; however, benefits shall not begin until after the first seven consecutive days of incapacity.

B. Whenever an injured or ill employee is temporarily unable to return to his/her regular duty, but is considered medically fit to perform less strenuous tasks, efforts shall be made by the Department of Consolidated Personnel in consultation with the employee's head of department to find a light duty assignment for that employee. Such an assignment may not necessarily be in the employee's regular department.

C. Fitness for light duty assignment shall be coordinated with the treating physician and shall be such that accommodates the restrictions identified.

D. No employee shall be permitted to work more than their normal working hours.

E. A light duty assignment shall not be made in any case where there is no possibility of full recovery. Proper medical certification shall be utilized in arriving at this decision.

VI. RETURN TO WORK

~~_____ An injured employee must return to work as soon as he/she is released for regular, restrictive, or light duty by the treating physician. A Functional Capacities Form must be completed by the treating physician and submitted to the Department of Personnel prior to the employee returning to regular, restrictive or light duty.~~

~~_____ If the return to work is restrictive or light duty, then the Department of Personnel shall submit to the attending physician a copy of the proposed light duty job description for approval. The employee shall not be permitted to perform light duty unless approved by the attending physician. The employee who returns to light duty shall be monitored closely by a supervisor.~~

~~_____ Employees on light duty assignment can return to their regular duties upon receipt of a Functional Capacities Form signed by the employee's attending physician attesting to the employee's physical and mental fitness to resume regular duties.~~

IVII. INJURIES NOT COVERED BY WORKERS' COMPENSATION

~~_____ Workers' Compensation benefits usually do not cover injuries resulting from traveling and/or walking to or from work, unpaid lunch periods, sports, horseplay, or any other activities not authorized or required by the employee's job duties.~~

. VIII. Claim LAIM DenialsENIALS:

1. Leave Time

a. _____ If a claim is denied, the employee shall be charged sick leave for all work time for which the employee was absent.

b. _____ Compensatory Hleave, annual leave, or leave without pay shall be used if sick leave is exhausted.

c. _____ If the employee has no accumulated leave, the Human Resources Department ~~of Personnel~~ shall make arrangements with the employee to repay any compensation advanced.

2. Letter of Denial

a. ~~Except in certain cases, Workers' Compensation law states that, in order to be eligible for Workers' Compensation benefits, an employee must prove that their injury or job-related illness was caused by their employment.~~ If an employee receives a letter of

denial from the ~~individual~~ insurance

~~carriers~~, there are two courses of action that may be pursued:

~~a1.A.~~ Forward the letter along with the proper forms to the ~~employee's~~ health insurance carrier. ~~In most cases, health insurers will pay medical expenses denied by Workers' Compensation carriers.~~

~~a2.~~ ~~B.~~ File a request for a hearing with the Industrial Commission of Virginia. The commission's address will be provided given in the letter of denial.

J. ~~IX.~~ ~~Workers' ORKERS' Compensation OMPENSATION AppealPPEAL~~

1. ~~An employee has the right to appeal denial of workers' compensation coverage to the Virginia Workers' Compensation Commission.~~

2. Forms for this purpose are available in the Human Resources Department of Personnel.

~~If, upon final appeal, the claim is deemed compensable, leave shall be restored.~~

K. Limitations and Exclusions

1. Workers' compensation benefits do not cover injuries incurred while traveling to and from work or during activities not required by the

employee's position or work assignment.

2. Not all injuries that occur during work hours are compensable under the definitions provided by the Virginia Workers' Compensation Commission.
3. An employee receiving workers' compensation wages is prohibited from engaging in activities that may impair his or her recovery, such as strenuous recreational or other physical activities, including vacations, without approval of the authorized treating physician and notification to the third-party administrator.
4. Failure to report such activities may affect benefits from workers' compensation.